

Message Text

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PAGE 01 CANBER 05971 280838Z
ACTION L-03

INFO OCT-01 EUR-12 EA-10 ISO-00 JUSE-00 CA-01 SCS-06
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FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC NIACT IMMEDIATE 3924
AMEMBASSY WELLINGTON NIACT IMMEDIATE
AMEMBASSY TOKYO NIACT IMMEDIATE
AMCONSUL SYDNEY IMMEDIATE
AMEMBASSY MANILA
AMEMBASSY OTTAWA
AMEMBASSY SUVA
AMCONSUL AUCKLAND
AMCONSUL VANCOUVER

C O N F I D E N T I A L CANBERRA 5971

E.O. 11652: GDS
TAGS: PFOR, CPRS
SUBJECT: EXTRADITION - JOHN HERBERT MEIER, AKA IVOR A. ROBERTSON

REF: CANBERRA 5923

1. GOA ATTORNEY GENERAL'S OFFICE HAS JUST INFORMED THE MEBASSY BY TELEPHONE THAT MAGISTRATE IN SYDNEY DISCHARGED MEIER FROM PROVISIONAL ARREST ON GROUNDS THAT HE ENJOYED DIPLOMATIC IMMUNITY FROM ARREST.

2. MEIER REPORTEDLY PRODUCED HIS TONGAN DIPLOMATIC PASSPORT IN COURT AND CLAIMED HE WAS ENTITLED TO DIPLOMATIC IMMUNITY UNDER ARTICLE 40 OF THE 1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS WHICH PROVEDES:

"IF A DIPLOMATIC AGENT PASSES THROUGH OR IS IN THE TERRITORY OF A THIRD STATE, WHICH HAS GRANTED HIM A PASSPORT
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VISA IF SUCH VISA WAS NECESSARY, WHILE PROCEEDING TO TAKE UP OR TO RETURN TO HIS POST, OR WHEN RETURNING TO HIS OWN COUNTRY, THE THIRD STATE SHALL ACCORD HIM INVIOABILITY AND SUCH OTHER IMMUNITIES AS MAY BE REQUIRED TO ENSURE HIS TRANSIT OR RETURN."

3. MEIER CLAIMED HE WAS IN AUSTRALIA EN ROUTE TO JAPAN TO ARRANGE A "ROYAL VISIT" THERE OF THE KING OF TONGA. MEIER'S ATTORNEY,

REPUTED TO BE ONE OF THE MOST CAPABLE SOLICITORS IN SYDNEY,
STATED THAT HE WAS PREPARED TO GIVE EVIDENCE TO SUBSTANTIATE
THIS CLAIM.

4. MEIER'S TONGAN DIPLOMATIC PASSPORT CONTAINED AN AUSTRALIAN
VISA ISSUED BY THE AUSTRALIAN HIGH COMMISSION IN FIJI. THE
MAGISTRATE FOUND THAT ISSUANCE OF THIS VISA IN FACT ACCORDED
MEIER DIPLOMATIC STATUS, AND THE COMMONWEALTH OF AUSTRALIA WAS
THEREFORE ESTOPPED FROM DENYING THIS STATUS.

5. ACCORDING TO THE ATTORNEY GENERAL'S OFFICE, MEIER IS NOW
FREE AND THERE IS NOTHING FURTHER THAT THE GOA OR WE CAN DO TO
PREVENT OR INHIBIT HIS MOVEMENTS. WE UNDERSTAND THAT MEIER PLANS
TO FLY TO TOKYO TOMORROW, JULY 29. WE HAVE NO FURTHER INFORMATION
ON HIS PLANS.

6. PLEASE CABLE NIACT IMMEDIATE IF THERE ARE ANY FURTHER STEPS
THAT WE SHOULD TAKE AT THIS TIME.
ALSTON

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